

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

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|--------------------------|---|----------------------------|
| DAVID ANDREA JENKINS, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No. 9:14-cv-01679-TLW |
| |) | |
| DR. BENJAMIN THOMAS; and |) | |
| CORRECT CARE SOLUTIONS, |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

ORDER

Plaintiff David Andrea Jenkins, proceeding pro se and in forma pauperis, brought this action pursuant to 42 U.S.C. § 1983, alleging violation of his constitutional rights by Correct Care Solutions and its employee, Dr. Benjamin Thomas. (Doc. #1). Defendant Thomas filed a motion to dismiss for failure to state a claim on August 11, 2014. (Doc. #33). This matter is before the Court for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Bristow Marchant, to whom this case was assigned pursuant to 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), (D.S.C.). In the Report, the Magistrate Judge recommends that this Court deny Defendant Thomas’s motion to dismiss. (Doc. #37). Objections to the Report were due on September 25, 2014. Defendant Thomas filed no objections.

The Court is charged with conducting a de novo review of any portion of the Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained therein. 28 U.S.C. § 636. However, in the absence of objections to the Report, the Court is not required to give any explanation for adopting the Magistrate

Judge's recommendation. See Camby v. Davis, 718 F.2d 198, 200 (4th Cir. 1983). In such a case, "a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note).

The Court has carefully reviewed the Report in accordance with this standard, and it concludes that the Magistrate Judge accurately summarizes the case and the applicable law. It is therefore **ORDERED** that the Magistrate Judge's Report and Recommendation is **ACCEPTED**. (Doc. #37). For the reasons articulated by the Magistrate Judge, Defendant Thomas's motion to dismiss is **DENIED**. (Doc. #33).

IT IS SO ORDERED.

s/ Terry L. Wooten
Terry L. Wooten
Chief United States District Judge

October 2, 2014
Columbia, South Carolina